

ENTERED

February 08, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

0.549 ACRES OF LAND, more or less, in
STARR COUNTY, TEXAS, et al.,

Defendants.

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CIVIL ACTION NO. 7:20-cv-00290

ORDER

The Court now considers the “Joint Status Report”¹ and “United States of America’s Unopposed Motion for a Continuance of the Initial Pretrial and Scheduling Conference”² filed by Plaintiff United States. Because the motion is unopposed, the Court considers it as soon as practicable.³ On December 9, 2020, the Court considered the parties’ joint discovery/case management plan, acknowledged that they were negotiating just compensation in this eminent domain case, continued the case to February 2021, and ordered the parties to file a status report or renewed joint discovery/case management plan.⁴ “Although the parties reached an agreement, settlement documents have not yet been submitted to the Court” and the additional amount of just compensation has yet to be deposited in the Court’s registry.⁵ The United States did not complete processing of the additional funds and settlement documents before newly inaugurated

¹ Dkt. No. 29.

² Dkt. No. 30.

³ LR7.2 (“Motions without opposition and their proposed orders must bear in their caption ‘unopposed.’ They will be considered as soon as it is practicable.”). Although the named Defendants did not state the position of their co-Defendants, Local Rule 7.1.D only requires the movant to confer with the respondent of the motion, not the other Defendants.

⁴ Dkt. No. 23.

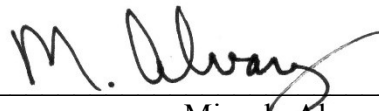
⁵ Dkt. No. 29 at 2, ¶ 4.

President Biden issued his January 20th proclamation concerning eminent domain cases like this one.⁶ In light of the presidential proclamation, the United States makes its unopposed motion to continue this case for at least 60 days.⁷

The President's proclamation directs numerous heads of executive agencies to "pause work on each construction project on the southern border wall" and to "develop a plan for the redirection of funds concerning the southern border wall . . . within 60 days" from January 20th.⁸ "The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."⁹ The Court finds good cause in the parties' request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use. The Court **GRANTS** Plaintiff's motion¹⁰ and continues the initial pretrial and scheduling conference previously set for February 16th¹¹ to **April 13, 2021, at 9:00 a.m.** Parties shall file a status report, renewed joint discovery/case management plan, or settlement documentation no later than **April 2, 2021**, as appropriate to progress this case toward resolution.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 8th day of February 2021.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁶ *Id.*

⁷ Dkt. No. 30 at 2–3, ¶ 5.

⁸ Proclamation No. 10142, §§ 1–2, 86 Fed. Reg. 7,225, 2021 WL 197402 (Jan. 20, 2021).

⁹ *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

¹⁰ Dkt. No. 30.

¹¹ Dkt. No. 23.